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E.O. 12356: N/A

TAGS: MARR, MOPS, UN, RV

SUBJECT: AGREEMENT OF SUPPORT FOR UNAMIR UNDER SECTION

607 OF THE FAA

1. THIS IS AN ACTION MESSAGE (SEE PARA 4).

2. BACKGROUND. BEGINNING WITH UN SECURITY COUNCIL RESOLUTION 891 OF DECEMBER 28, 1993, THE UN HAS ACTIVELY SOUGHT SOLUTIONS TO THE CRISIS IN RWANDA. THE UN IS NOW EXPLORING THE POSSIBILITY OF OBTAINING DOD COMMODITIES AND SERVICES, ON A REIMBURSABLE BASIS, TO IMPLEMENT THE SECURITY COUNCIL MANDATE FOR RWANDA. BECAUSE OF USG INTEREST IN SUPPORTING THE UN'S EFFORTS IN RWANDA AND IN ENSURING THAT DOD IS REIMBURSED FOR ITS COSTS, WE HAVE CONCLUDED THAT REIMBURSEMENT ARRANGEMENTS WITH THE UN SHOULD BE MADE UNDER THE AUTHORITY OF SECTION 607 OF THE FOREIGN ASSISTANCE ACT.

3. WE UNDERSTAND THAT THE UN IS AGREEABLE TO THE TERMS AND CONDITIONS IDENTICAL TO THOSE IN A 607 AGREEMENT ALREADY IN PLACE CONCERNING REIMBURSABLE ASSISTANCE TO UNPROFOR IN THE FORMER YUGOSLAVIA. WITH REGARD TO THE FORM OF THE AGREEMENT, WE UNDERSTAND THE UN MAY BE WILLING

TO EXECUTE A FREE-STANDING AGREEMENT IN THE FORM FAXED SEPARATELY. ANOTHER APPROACH, ALSO LEGALLY ACCEPTABLE, WOULD BE AN EXCHANGE OF DIPLOMATIC NOTES MAKING APPLICABLE THE TERMS AND PROVISIONS OF THE 607 AGREEMENT FOR UNPROFOR TO THE UN'S OPERATIONS IN RWANDA. ITS PROVISIONS REQUIRING THE UN TO ADHERE TO END-USE, SECURITY, AND RETRANSFER ASSURANCES FOR DOD-PROVIDED GOODS AND SERVICES WOULD REMAIN INTACT, AS WOULD THE PROVISION FOR REIMBURSEMENT WITHIN 30 DAYS.

4. MISSION IS THEREFORE INSTRUCTED TO TABLE TWO EXECUTION COPIES OF THE 607 AGREEMENT FAXED SEPARATELY AND A DIPLOMATIC NOTE TO THE UN, USING THE TEXT IN FOLLOWING PARA 5, AND TO OFFER WHICHEVER ALTERNATIVE THE UN FEELS IT CAN EXECUTE MOST EXPEDITIOUSLY. THE DEPARTMENT AND OTHER

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L. DARIS
DATE/CASE ID: 31 JAN 2002 199903054

STATE 147518 #304232 006249 S004276
ADDRESSEES SHOULD BE APPRISED OF THE UN'S REACTION. BECAUSE OF THE DETERIORATING CONDITIONS IN RWANDA, IT IS ABSOLUTELY ESSENTIAL THAT AGREEMENT WITH THE UN BE REACHED AS EXPEDITIOUSLY AS POSSIBLE. IF THE UN REQUIRES A FULL AGREEMENT TEXT INSTEAD OF THIS APPROACH, WE WILL PROVIDE USUN WITH AN APPROVED TEXT SEPTEL. MISSION'S ASSISTANCE IN THIS REGARD WILL BE GREATLY APPRECIATED.

5. (BEGIN TEXT OF DIPLOMATIC NOTE)

EXCELLENCY:

THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS PRESENTS HER COMPLIMENTS TO THE SECRETARY-GENERAL OF THE UNITED NATIONS AND HAS THE HONOR TO REFER TO DISCUSSIONS THAT HAVE TAKEN PLACE IN RECENT DAYS WITH RESPECT TO UNITED NATIONS OPERATIONS IN RWANDA.

IN THIS CONNECTION, THE GOVERNMENT OF THE UNITED STATES PROPOSES THAT THE TERMS AND PROVISIONS OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED NATIONS ORGANIZATION CONCERNING THE PROVISION OF ASSISTANCE ON A REIMBURSABLE BASIS IN SUPPORT OF THE OPERATIONS OF THE UNITED NATIONS IN THE FORMER YUGOSLAVIA, SIGNED MARCH 14, 1994, SHALL APPLY, MUTATIS MUTANDIS, WITH

RESPECT TO THE OPERATIONS OF THE UNITED NATIONS IN RWANDA.

IF THIS PROPOSAL IS ACCEPTABLE TO THE UNITED NATIONS, THIS NOTE AND YOUR EXCELLENCY'S REPLY NOTE SHALL CONSTITUTE AN AGREEMENT WHICH SHALL ENTER INTO FORCE ON THE DATE OF YOUR EXCELLENCY'S NOTE AND REMAIN IN FORCE FOR TWO YEARS FROM THAT DATE.

THE UNITED STATES MISSION TO THE UNITED NATIONS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE UNITED NATIONS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

THE HONORABLE
(NAME)

(TITLE) OF THE UNITED NATIONS

(END TEXT DIPLOMATIC NOTE) TARNOFF

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